

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION**

COMPLAINT AGAINST:

Hon. Deborah Ross Adams  
3<sup>rd</sup> Circuit Court  
Coleman A. Young Municipal Ctr.  
2 Woodward Avenue, Room #1921  
Detroit, Michigan 48226

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**Formal Complaint No. 89**

**COMPLAINT**

The Michigan Judicial Tenure Commission (“JTC”) files this complaint against Honorable Deborah Ross Adams (“Respondent”), judge of the 3<sup>rd</sup> Circuit Court, County of Wayne, State of Michigan. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended, and MCR 9.200 *et seq.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

1. Respondent is, and at all material times was, a judge of the 3<sup>rd</sup> Circuit Court, County of Wayne, State of Michigan.
2. As a judge, Respondent is subject to all the duties and responsibilities imposed on her by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205.

## **COUNT I**

### **MISREPRESENTATIONS UNDER OATH**

3. Respondent was the defendant in the divorce case of *Adams v. Adams* (hereinafter, “divorce case”), filed by Respondent’s former husband Anthony Adams in Wayne County Circuit Court on September 18, 2009 under case number 2009-112880 DO.
4. As a result of recusal by the Wayne County Circuit Court, the State Court Administrator’s Office (SCAO) transferred Respondent’s divorce case to Oakland County Circuit Court.
5. Respondent’s divorce case was assigned to the Hon. Mary Ellen Brennan under case no. 10-SC0009-SC.
6. Mediation was scheduled for March 10, 2011 before mediator Gilbert Gugni. In the event that no settlement was reached, trial was scheduled for March 21, 2011.
7. Plaintiff, Anthony Adams was represented by William Brukoff.
8. On March 4, 2011, Attorney Andra Dudley filed her appearance on behalf of Respondent.
9. On March 10, 2011, the parties reached a settlement agreement. Mediator Gilbert Gugni created a transcript of the settlement agreement on the same day.

10. Respondent was present at mediation and agreed with the terms of the settlement agreement as stated on the record by Mr. Gugni.
11. On March 15, 2011, Ms. Dudley advised Respondent that a pro confesso hearing was scheduled for March 16, 2011.
12. Respondent requested that Ms. Dudley contact the court of the Hon. Mary Ellen Brennan and obtain an adjournment of that hearing.
13. When Ms. Dudley advised Respondent that she was unable to have the hearing adjourned, Respondent called the court herself.
14. On March 15, 2011, Respondent spoke to Kirsten Turner, clerk to the Honorable Mary Ellen Brennan.
15. Ms. Turner recognized Respondent's voice from previous calls Respondent had made to the Court.
16. In the previous calls to the court, Respondent had used her own identity, as well as the identity of other individuals.
17. The staff of the Hon. Mary Ellen Brennan became familiar with Respondent's voice.
18. On each occasion when Respondent contacted Judge Brennan's court while represented by counsel, Judge Brennan's staff advised her that such contact was improper.

19. On March 16, 2011, a hearing was held before the Hon. Mary Ellen Brennan to formally place the settlement on the record.
20. Respondent was placed under oath at the start of the proceedings.
21. Judge Brennan confirmed that a settlement had been reached, and asked both sides for the factual basis upon which to grant the divorce.
22. After setting April 11, 2011 as the date for the entry of the Judgment of Divorce, Judge Brennan addressed Respondent about the call that Respondent had made to the judicial staff on March 15, 2011.
23. Judge Brennan advised Respondent that since Respondent had legal representation, it was inappropriate for her to contact the court herself.
24. Judge Brennan advised Respondent that she should not make any further contact with the court, and that all contact should be through her attorneys.
25. Respondent denied making any calls to the court.
26. When questioned by the Hon. Mary Ellen Brennan further, Respondent stated “I did not call anyone”, “I did not have any conversation” and “I haven’t admitted speaking with anyone”.
27. Respondent maintained that she “did not call here”, referring to the court.
28. Respondent continued to state that she did not make any calls to the court or its staff on March 15, 2011.

29. At one point, Respondent stated that her clerk had called Judge Brennan's court to see if the time of the hearing could be changed due to Respondent's own congested docket.
30. Judge Brennan placed her clerk Kirsten Turner under oath and questioned her about the call Ms. Turner received on March 15, 2011.
31. Ms. Turner testified that on March 15, 2011, she spoke to a woman who identified herself as Deborah Adams.
32. In response to Ms. Turner's testimony, Respondent stated "that's not correct".
33. When questioned by Judge Brennan whether anyone at Respondent's court used the name of Deborah Adams, Respondent answered in the negative.
34. Respondent again stated, "I did not call here".
35. When Judge Brennan noted that Respondent had previously stated that her clerk made the call, Respondent interjected with, "I did not say that".
36. Respondent's statements on March 16, 2011 were false.
37. Respondent's actions, as detailed in paragraphs no. 1 through and including paragraph no. 36 are in violation of the Code of Judicial Conduct, Michigan Court Rules, and Michigan's perjury statute, MCL 750. 423.

**COUNT II**  
**FORGERY AND FILING OF FORGED AND UNAUTHORIZED**  
**PLEADINGS**

38. Following the March 16, 2011 hearing, Respondent's divorce case was adjourned to April 11, 2011 to allow the parties time to prepare a settlement agreement consistent with the terms agreed to at mediation.
39. A proposed settlement agreement was prepared by Mr. Brukoff and submitted to Ms. Dudley on March 21, 2011.
40. Respondent objected to a number of provisions in Mr. Brukoff's proposed settlement agreement.
41. Ms. Dudley communicated respondent's objections to Mr. Brukoff.
42. A second proposed settlement agreement was prepared by Mr. Brukoff, which encompassed Respondent's objections.
43. Respondent made additional revisions to the second proposed settlement agreement. Ms. .Dudley provided these revisions to Mr. Brukoff.
44. On April 7, 2011, Respondent made more revisions to the proposed settlement agreement.
45. On April 7, 2011, Respondent faxed the proposed settlement agreement, containing the latest revisions, to the offices of William Brukoff under a cover sheet purporting to show that Ms. Dudley had sent it.

46. Respondent did not inform Ms. Dudley that she was revising the settlement agreement again, or that she had transmitted those revisions to Mr. Brukoff.
47. On April 8, 2011, a telephonic conference was held between Mr. Brukoff, Ms. Dudley and mediator Gugni in an attempt to finalize the language of the settlement agreement.
48. On the afternoon of Friday, April 8, 2011, a final draft of the proposed settlement agreement was prepared by Mr. Brukoff and circulated among counsel and their clients.
49. On April 10, 2011, and again in the early morning hours of April 11, 2011, Respondent informed Ms. Dudley that she would not sign the latest version of the settlement agreement, and that she would not appear before the Hon. Mary Ellen Brennan on April 11, 2011.
50. Respondent instructed Ms. Dudley to seek an adjournment. Respondent stated that the docket in her own courtroom was the reason for her inability to appear.
51. Respondent did not appear at the April 11, 2011 hearing before Judge Brennan.
52. On April 11, 2011, Ms. Dudley appeared before Judge Brennan, seeking an adjournment.
53. Mr. Brukoff objected to an adjournment being granted.

54. Judge Brennan denied Ms. Dudley's adjournment request.
55. Judge Brennan conducted an under-oath telephonic conference with Mr. Gugni, who confirmed that the proposed settlement agreement conformed to the March 10, 2011 mediation transcript.
56. On April 11, 2011, Judge Brennan signed the Judgment of Divorce (JOD).
57. Judge Brennan ordered that Respondent either sign the Settlement Agreement by 5:00 PM on April 11, 2011, or appear on April 14, 2011 for a show cause hearing for her failure to appear.
58. On the afternoon of April 11, 2011, Andra Dudley delivered the JOD and Proposed Settlement Agreement to Respondent's courtroom for her signature.
59. Respondent signed the settlement agreement.
60. The JOD released Ms. Dudley from any further representation of Respondent.
61. The JOD provided for certain disputed matters to be submitted to mediator Gugni for binding arbitration.
62. After the entry of the JOD, Respondent contacted Ms. Dudley seeking to set aside or modify the JOD and the Settlement Agreement.
63. Ms. Dudley made it clear to Respondent, as well as to Mr. Brukoff and Mr. Gugni, that she was no longer representing Respondent.



64. On April 26, 2011, Ms. Dudley notified Respondent, Mr. Brukoff and Mr. Gugni by e-mail that her only function in Respondent's case was to "assist" her in scheduling arbitration dates. In the same e-mail, Ms. Dudley also stated that if Respondent "retained" her services, Mr. Brukoff and Mr. Gugni would be notified.
65. On Tuesday, April 26, 2011, Ms. Dudley contacted Respondent by e-mail stating that if Respondent wished to preserve her appellate rights in her divorce case, she should file a motion.
66. On Thursday, May 5, 2011, Respondent prepared a Motion to Set Aside or Modify the Judgment of Divorce (hereinafter "Motion") and a Brief in Support.
67. Respondent forged the name of her former counsel, Andra Dudley, on the Motion as well as on the Brief in Support.
68. On May 5, 2011, at 2:20 PM, Respondent caused the Motion and Brief in Support to be filed with the 6<sup>th</sup> Circuit Court clerk as well as with the courtroom of the Honorable Mary Ellen Brennan.
69. On May 5, 2011, Respondent caused a copy of the Motion and Brief in Support to be served on the offices of Mr. William Brukoff.
70. Respondent did not provide a copy of the Motion and Brief in Support to Ms. Dudley.

71. Respondent did not have Ms. Dudley's permission to file the Motion and its accompanying Brief in Support with the clerk of the 6<sup>th</sup> Circuit Court, the court of the Hon. Mary Ellen Brennan, or to serve it on Mr. Brukoff.
72. Respondent scheduled the Motion before the Hon. Mary Ellen Brennan for June 8, 2011.
73. Respondent did not have permission from Ms. Dudley to schedule the Motion for that, or any other, date.
74. Respondent did not provide Ms. Dudley with notice of the June 8, 2011 hearing date.
75. Ms. Dudley became aware of the existence and filing of the Motion on May 6, 2011 when Mr. Brukoff contacted her to discuss its contents.
76. On May 6, 2011, Ms. Dudley contacted Respondent by e-mail stating that she "hoped" Respondent had not filed any pleadings with her name without her permission and opportunity to review them.
77. On May 6, 2011, Respondent replied with an e-mail stating that she had "tried" to reach Ms. Dudley during the previous week to obtain "permission to file a quick motion" under Ms. Dudley's name.
78. Respondent did not reach Ms. Dudley during that previous week and did not obtain her permission to sign or to file the Motion or the Brief in Support which was filed on May 5, 2011.

79. On May 8, 2011, Respondent attended a conference with Mr. Brukoff and Mr. Gugni. Respondent did not disclose that the Motion was not Ms. Dudley's work product.
80. Respondent did not inform Mr. Brukoff and Mr. Gugni, that Ms. Dudley's signature on the Motion and Brief in Support was forged.
81. Respondent's conduct in connection with the preparation and filing of the Motion and Brief in Support may constitute forgery, in violation of MCL 750.248.
82. Respondent's May 6, 2011 filing of the Motion and Brief in Support with the clerk of the 6<sup>th</sup> Circuit Court and the courtroom of the Honorable Mary Ellen Brennan may constitute uttering and publishing, in violation of MCL 750.249.
83. Respondent's actions, as detailed in paragraphs no. 38 through and including paragraph no. 80 are in violation of the Code of Judicial Conduct and Michigan Court Rules.

### **COUNT III**

#### **MISREPRESENTATIONS TO THE COMMISSION**

84. In her answers to the Commission, dated February 21, 2012, Respondent stated that on March 16, 2011, when Judge Mary Ellen Brennan began to

address Respondent's contact with the court on the previous day, Respondent was walking away from counsel's table on her way out of the courtroom. That statement was false.

85. Respondent was seated at the defense table throughout the entire proceeding of March 16, 2011.
86. In her answers to the Commission, dated February 21, 2012, Respondent stated that she contacted the court of the Hon. Mary Ellen Brennan on only four occasions. That statement was false.
87. Respondent contacted Judge Brennan's court on numerous occasions. Respondent's contacts were so numerous that Judge Brennan's staff became familiar with Respondent's voice and recognized it even when Respondent called using someone else's identity.
88. In her answers to the Commission, dated February 21, 2012, Respondent stated that the staff of the Hon. Mary Ellen Brennan never told her that it was improper for Respondent to contact the court when she was represented by counsel. That statement was false.
89. Each time Respondent contacted the court of the Hon. Mary Ellen Brennan while represented by counsel, Judge Brennan's staff informed her that her contacts were improper and should be made by her attorneys.

90. In her answers to the Commission, dated October 14, 2011 and February 21, 2012, Respondent stated that she had Ms. Dudley's permission to file pleadings on her behalf. That statement was false.
91. At no time did Ms. Dudley give Respondent permission to file pleadings on her behalf.
92. In her answers to the Commission, dated October 14, 2011 and February 21, 2012, Respondent stated that she had Ms. Dudley's permission to sign her name to the Motion which was filed on May 5, 2011. That statement was false.
93. At no time did Ms. Dudley give Respondent permission to sign her name to the Motion which was filed on May 5, 2011.
94. In her answers to the Commission, dated February 21, 2012, Respondent stated that she provided a copy of the Motion to Ms. Dudley. That statement was false.
95. Respondent did not provide Ms. Dudley with a copy of the Motion.
96. In her answers to the Commission, dated February 21, 2012, Respondent stated that she provided Ms. Dudley with notice of the hearing date for the Motion. That statement was false.
97. Respondent did not provide Ms. Dudley with notice that the Motion hearing date was June 8, 2011.

The conduct described in paragraphs no. 1 – 97, constitutes:

- (a) Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30 and MCR 9.205.
- (b) Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30 and MCR 9.205.
- (c) Conduct which is prejudicial to the proper administration of justice, in violation of MCR 9.104(1).
- (d) Failure to establish, maintain, enforce and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, contrary to the Code of Judicial Conduct, Canon 1.
- (e) Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of the Code of Judicial Conduct, Canon 2A.
- (f) Conduct involving impropriety and the appearance of impropriety, in violation of the Code of Judicial Conduct, Canon 2A.
- (g) Failure to respect and observe the law and to conduct yourself at all times in a manner which would enhance the public's confidence

in the integrity and impartiality of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B.

- (h) Failure to be faithful to the law, contrary to the Code of Judicial Conduct, Canon 3A (1).
- (i) Conduct, which exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2).
- (j) Conduct, which is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(3).
- (k) Conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).
- (l) Conduct in violation of the Code of Judicial Conduct, Canon 2C, that a judge should not use the prestige of office to advance personal business interests or those of others.
- (m) Conduct in violation of the Michigan Perjury Statute, MCL 750.423.
- (n) Conduct in violation of the Michigan Forgery Statute, MCL 750.248.

- (o) Conduct in violation of the Michigan Uttering and Publishing Statute, MCL 750.249.

Pursuant to MCR 9.209, Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon Respondent of the complaint. Such answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent's alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION  
OF THE STATE OF MICHIGAN

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Detroit, Michigan 48202

By: \_\_\_\_\_/s/  
Paul Fischer (P35454)  
Examiner

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